

REPORT OF THE COMMITTEE ON FINANCE

DECEMBER 19, 2005

**(RECESSED AND RECONVENED ON JANUARY 5, 2006,
JANUARY 6, 2006, JANUARY 9, 2006, JANUARY 10, 2006,
JANUARY 11, 2006, JANUARY 12, 2006, JANUARY 19, 2006,
JANUARY 20, 2006, JANUARY 23, 2006, JANUARY 24, 2006,
JANUARY 25, 2006 AND FEBRUARY 9, 2006)**

The Honorable,
The Board of Commissioners of Cook County

Ladies and Gentlemen:

Your Committee on Finance of the Board of Commissioners of Cook County met pursuant to notice on Monday, December 19, 2005, at the hour of 11:30 A.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois, to consider the 2006 Executive Budget being made available for public inspection and the schedule of meetings for the purpose of conducting hearings on said budget.

ATTENDANCE

PRESENT: President Stroger and Chairman Daley, Vice Chairman Steele, Commissioners Butler, Claypool, Collins, Gorman, Goslin, Hansen, Maldonado, Moreno, Murphy, Peraica, Quigley, Silvestri, Sims and Suffredin (17)

ABSENT: None (0)

The following notices were distributed prior to commencement of the meeting:

AMENDED NOTICE

December 14, 2005

The 2005 2006 Proposed Budget, including the Corporate, Public Safety and Cook County Health Program Budgets, prepared in tentative form, are available for public inspection at the following locations, beginning December 20, 2005.

Bureau of Finance, Department of Budget and Management Services, Room 1100, Cook County Building, 118 N. Clark Street, Chicago, Illinois, from 9:00 a.m. to 4:30 p.m., Monday through Friday.

Second District Courthouse, 5600 Old Orchard Road, Skokie, Illinois, in the Office of the County Clerk, from 9:00 a.m. to 4:30 p.m., Monday through Friday.

Third District Courthouse, 2121 Euclid Avenue, Rolling Meadows, Illinois, in the Office of the County Clerk, from 9:00 a.m. to 4:30 p.m., Monday through Friday.

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Fourth District Courthouse, 1500 S. Maybrook Drive, Maywood, Illinois, in the Office of the County Clerk, from 9:00 a.m. to 4:30 p.m., Monday through Friday.

Fifth District Courthouse, 10220 S. 76th Avenue, Bridgeview, Illinois, in the Office of the County Clerk, from 9:00 a.m. to 4:30 p.m., Monday through Friday.

Sixth District Courthouse, 16501 S. Kedzie Parkway, Markham, Illinois, in the Office of the County Clerk, from 9:00 a.m. to 4:30 p.m., Monday through Friday.

AMENDED NOTICE

December 14, 2005

The Finance Committee of the Board of Commissioners of Cook County has scheduled the meetings listed below in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois, for the purpose of conducting departmental reviews on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

| <u>Date</u> | <u>Time</u> |
|---|---------------------------|
| Monday, January 9, 2006 | 10:30 A.M. (all day) |
| Tuesday, January 10, 2006 | 10:00 A.M. (all day) |
| Wednesday, January 11, 2006 | 10:00 A.M. (morning only) |
| Thursday, January 12, 2006 | 10:00 A.M. (all day) |
| Thursday, January 19, 2006 | 10:00 A.M. (all day) |
| Friday, January 20, 2006 | 10:00 A.M. (all day) |
| Monday, January 23, 2006 | 10:00 A.M. (all day) |
| Tuesday, January 24, 2006 | 10:00 A.M. (all day) |
| Wednesday, January 25, 2006 | 10:00 A.M. (morning only) |
| <u>Thursday Monday</u> , January 30, 2006 | 10:00 A.M. (reserve day) |
| Friday, February 3, 2006 | 10:00 A.M. (reserve day) |

In the event that additional time is required beyond the scheduled reserve days, a supplemental schedule will be distributed.

NOTICE

December 14, 2005

The Finance Committee of the Board of Commissioners of Cook County has scheduled the meetings listed below for the purpose of conducting public hearings on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

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| <u>Date</u> | <u>Time</u> | <u>Location</u> |
|-------------------------------|-------------|---|
| Thursday, January 5, 2006 | 6:30 P.M. | Sixth District Courthouse 16501 South Kedzie Parkway Courtroom 098 Markham, Illinois |
| Friday, January 6, 2006 | 10:00 A.M. | Cook County Building 118 North Clark Street Board Room, Room 569 Chicago, Illinois |
| Monday, January 9, 2006 | 6:30 P.M. | Second District Courthouse 5600 Old Orchard Road Courtroom 201 Skokie, Illinois |
| Thursday, January 12, 2006 | 6:30 P.M. | Fourth District Courthouse 1500 South Maybrook Drive Courtroom 106 Maywood, Illinois |

The public may testify at these meetings. Persons wishing to testify should give their name and the name of any organization they are representing to the Secretary to the Board, 118 North Clark Street, Room 567, County Building, Telephone: (312) 603-6127, also you can register at any of the locations listed above, at the time of the meeting. Each organization will be limited to one speaker. Each speaker will be limited to 3 minutes. Speakers are requested to submit 30 copies of any written statement to the committee prior to speaking.

Vice Chairman Steele, seconded by Commissioner Silvestri, moved to adopt the schedule of hearings. The motion carried unanimously.

Chairman Daley recessed the meeting to the hour of 6:30 P.M. on Thursday, January 5, 2006 at the Sixth District Courthouse, City of Markham.

January 5, 2006

Pursuant to notice, your Committee on Finance of the Board of Commissioners of Cook County reconvened its recessed meeting of December 19, 2005 on Thursday, January 5, 2006 at the hour of 6:30 P.M. in the Sixth District Courthouse, 16501 South Kedzie Parkway, Courtroom 098, Markham, Illinois, for the purpose of conducting a public hearing on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

The following people offered testimony during the hearing:

- 1) Seneka Woodson - Concerned Citizen
- 2) Honorable Victor Watts - Alderman, City of Country Club Hills

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- 3) Robert Simpson - Concerned Citizen
- 4) Tim Bradford - Township Administrator, Rich Township
- 5) Honorable Linzey Jones – Mayor, Village of Olympia Fields
- 6) Honorable Eric J. Kellogg - Mayor, City of Harvey
- 7) Amy Sue Mertens - Public Information Specialist, University of Illinois Extension
- 8) Christine Blue, R.N., M.H.A. - Executive Director, Park Forest Health Department
- 9) Ronald Bean - Executive Director, South Metropolitan Regional Leadership Center, Governors State University
- 10) Gregg Kelley - Political Director, SEIU Local 20
- 11) Kristin DeLaurentis - Chair, Prairie Land Regional Leadership Board, American Cancer Society
- 12) Honorable Dr. Robert Donaldson - Mayor, Village of Hazelcrest
- 13) Love McPherson - Director, Women's Resource Assistance Program
- 14) Alicia Waumsley - Senior Administrator, TASC
- 15) Connie Milton - HRDI Alumni Development
- 16) Pastor Jeffery Jones - Target Area
- 17) Rafi Peterson - Lead Organizer, DJC, IMAN, Cease Fire and SWOP
- 18) Mauria Mozaffar - Organizer, IMAN, Developing Justice Coalition
- 19) Tom Terranova - Representative, National Nurses Organizing Committee (NNOC)
- 20) Irene Hardy - Registered Nurse, Department of Public Health, Cook County Bureau of Health Services
- 21) Chiazor Okafor - Registered Nurse, Department of Public Health, Cook County Bureau of Health Services
- 22) Gloria Dryden Bryant - Coordinator, Ford Heights Community Service
- 23) John Daley - Sergeant, Burnham Police Department
- 24) David Mobley - Business Owner
- 25) Michael Bonslater - Project Coordinator, Southland Health Careers
- 26) Johnny Holmes - Chief of Police, Robbins Police Department
- 27) Robert Pietruszka - Concerned Citizen
- 28) George Blakemore - Concerned Citizen
- 29) Honorable Keeven Grimmett - Mayor, Village of Dixmoor
- 30) R. Andrew Tolbert - Chief of Police, Dixmoor Police Department
- 31) Dr. Jody Ashenhurst - Physician, Oak Forest Hospital of Cook County
- 32) Carol A. Wilson - Vice President, ARP, Inc.

Chairman Daley recessed the meeting to the hour of 10:00 A.M. on Friday, January 6, 2006 in the County Building, Board Room, Room 569.

January 6, 2006

Pursuant to notice, your Committee on Finance of the Board of Commissioners of Cook County reconvened its recessed meeting of December 19, 2005 and January 5, 2006 on Friday, January 6, 2006 at the hour of 10:00 A.M. in the County Building, 118 North Clark Street, Board Room, Room 569, Chicago, Illinois, for the purpose of conducting a public hearing on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

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The following people offered testimony during the hearing:

- 1) Ermilo Barrera, Jr., M.D. - President, American Cancer Society, Illinois Division
- 2) Mark Grasch - Chair, Healthcare Task Force, Union League Club
- 3) Victoria Bigelow - Executive Director, Suburban Primary Healthcare, Access to Care
- 4) Francesca Obi, R.N. - Cermak Health Services of Cook County
- 5) Bernice Faulkner - R.N., Interim President, National Nurses Organizing Committee
- 6) Frank Borgers - Research and Legislative Analyst, California Nurses Association
- 7) Samuel McDade - Outreach Worker, Cease Fire
- 8) Laurence Msall - President, Civic Federation
- 9) Michael Newman - Associate Director, AFSCME Council 31
- 10) Amy Sue Mertens - Public Information Specialist, University of Illinois Extension
- 11) Joe DeLopez - Chief of Police, Winnetka Police Department
- 12) Demitrous Cook - Deputy Chief, Evanston Police Department
- 13) William Brown - Chief of Police, Country Club Hills Police Department
- 14) Bill Wendt - Concerned Citizen
- 15) Honorable Donne Trotter - Illinois State Senator
- 16) Mark Peysakhovich - Senior Directory of Advocacy, American Heart Association; American Stroke Association
- 17) Mike Gold - President, Arrango Cigar Company
- 18) Harry Kelley - Executive Director, Illinois Association of Tobacco and Candy Distributors
- 19) Bennett J. Johnson - Concerned Citizen
- 20) Mark Donahue - President, Fraternal Order of Police Chicago Lodge #7
- 21) Marge Kielczynski - Sergeant, LaGrange Police Department
- 22) Melody Heaps - President, TASC
- 23) Helen Smith - Chicago Coalition for the Homeless
- 24) Reverend Walter Turner - President, Baptist Ministers Conference of Chicago
- 25) George Blakemore - Concerned Citizen

Written testimony only

- 1) Dr. Jill Feldman M.S.W., Ph.D. - Women Veterans Program Manager, Veterans Administration, Jesse Brown Veterans Administration Medical Center
- 2) Kathleen T. Zellner, Esq. - Concerned Citizen
- 3) Douglas H. Johnson, Esq. - Concerned Citizen

Chairman Daley recessed the meeting to the hour of 10:30 A.M. on Monday, January 9, 2006 in the County Building, Board Room, Room 569.

January 9, 2006

Pursuant to notice, your Committee on Finance of the Board of Commissioners of Cook County reconvened its recessed meeting of December 19, 2005, January 5, 2006 and January 6, 2006 on Monday, January 9, 2006 at the hour of 10:30 A.M. in the County Building, 118 North Clark Street, Board Room, Room 569, Chicago, Illinois, for the purpose of conducting departmental reviews on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

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The following department presented its budget during the hearing:

Bureau of Finance

Chairman Daley recessed the meeting to the hour of 6:30 P.M. tonight at the Second District Courthouse, Village of Skokie.

January 9, 2006

Pursuant to notice, your Committee on Finance of the Board of Commissioners of Cook County reconvened its recessed meeting of December 19, 2005, January 5, 2006 and January 6, 2009 on Monday, January 9, 2006 at the hour of 6:30 P.M. in the Second District Courthouse, 5600 Old Orchard Road, Skokie, Illinois, for the purpose of conducting a public hearing on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

The following people offered testimony during the hearing:

- 1) Joseph Flanagan - President – J.P. Flanagan Enterprises
- 2) Ermilo Barrera, Jr., M.D. - President, American Cancer Society, Illinois Division
- 3) Angela Scalisi - Owner, Eidolon Art Studio
- 4) Teresa Ruznak - Concerned Citizen
- 5) James Ginderski - Chairman, Subcommittee on Health, Northside Power
- 6) Maureen McDonnell - Director of Justice Operations, TASC
- 7) Vivian Whitlock - Concerned Citizen of Rogers Park
- 8) Victor Henderson - Concerned Citizen of Rogers Park
- 9) Kathy Sprattling - Owner, Ennui Café
- 10) Terry Feingold - Owner, Gold'n Pear Catering
- 11) Ralph Fornari - Director of Business Development, Saint Francis Hospital
- 12) Gloria Carter - Organization of the North East, Drug School Program
- 13) Johnny King - Organization of the North East
- 14) Shelly J. Friede - Community Organizer, Organization of the North East
- 15) Fernandez Jones - Outreach Organizer - Organization of the North East
- 16) Richard Auer - Concerned Citizen
- 17) George Blakemore - Concerned Citizen
- 18) Marylynn Kelly - Concerned Citizen
- 19) Howard Geiderman - President, Hank Greenberg Wholesale
- 20) Tom Terranova - Representative, National Nurses Organizing Committee
- 21) Karen Kwiatkowski - Department of Public Health, Cook County Bureau of Health Services
- 22) Deborah Lowery, R.N. - John H. Stroger, Jr. Hospital of Cook County
- 23) T.A. Martin, R.N. - Department of Public Health, Cook County Bureau of Health Services
- 24) Quimbo G. Ching, M.D. - Pediatrician, Community Health Center
- 25) Aaron Doeppers - Midwest Regional Director, Campaign for Tobacco-Free Kids
- 26) Raymond Solal - Concerned Citizen
- 27) Donald Zeigler - Vice Chair, Evanston Community Health Advisory Board
- 28) Don Kontos - Concerned Citizen
- 29) Margaret McClasky - Owner, Diverse Perspectives Ethics Consultation
- 30) Kathleen M. Gruber - Concerned Citizen
- 31) Dr. Serafin Veramendi - Medical Director, Community Health Center of Rogers Park

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32) Wayne Frazier - Concerned Parent

Chairman Daley recessed the meeting to the hour of 10:00 A.M. on Tuesday, January 10, 2006 in the County Building, Board Room, Room 569.

January 10, 2006

Pursuant to notice, your Committee on Finance of the Board of Commissioners of Cook County reconvened its recessed meeting of December 19, 2005, January 5, 2006, January 6, 2006 and January 9, 2006 on Tuesday, January 10, 2006 at the hour of 10:00 A.M. in the County Building, 118 North Clark Street, Board Room, Room 569, Chicago, Illinois, for the purpose of conducting departmental reviews on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

The following departments presented their budget during the hearing:

Treasurer
Recorder of Deeds
County Auditor
Inspector General
Public Administrator

Chairman Daley recessed the meeting to the hour of 10:00 A.M. on Wednesday, January 11, 2006 in the County Building, Board Room, Room 569.

January 11, 2006

Pursuant to notice, your Committee on Finance of the Board of Commissioners of Cook County reconvened its recessed meeting of December 19, 2005, January 5, 2006, January 6, 2006, January 9, 2006 and January 10, 2006 on Wednesday, January 11, 2006 at the hour of 10:00 A.M. in the County Building, 118 North Clark Street, Board Room, Room 569, Chicago, Illinois, for the purpose of conducting departmental reviews on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

The following department presented its budget during the hearing:

Sheriff

Chairman Daley recessed the meeting to the hour of 10:30 A.M on Thursday, January 12, 2006 in the County Building, Board Room, Room 569.

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January 12, 2006

Pursuant to notice, your Committee on Finance of the Board of Commissioners of Cook County reconvened its recessed meeting of December 19, 2005, January 5, 2006, January 6, 2006, January 9, 2006, January 10, 2006 and January 11, 2006 on Thursday, January 12, 2006 at the hour of 10:30 A.M. in the County Building, 118 North Clark Street, Board Room, Room 569, Chicago, Illinois, for the purpose of conducting departmental reviews on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

The following departments presented their budget during the hearing:

Clerk of the Circuit Court
Office of Capital Planning and Policy
Department of Facilities Management
Bureau of Public Safety/Judicial Coordination

Chairman Daley recessed the meeting to the hour of 6:30 P.M. tonight at the Fourth District Courthouse, Village of Maywood.

January 12, 2006

Pursuant to notice, your Committee on Finance of the Board of Commissioners of Cook County reconvened its recessed meeting of December 19, 2005, January 5, 2006, January 6, 2009, January 9, 2006, January 10, 2006 and January 11, 2006 on Thursday, January 12, 2006 at the hour of 6:30 P.M. in the Fourth District Courthouse, 1500 S. Maybrook Drive, Maywood, Illinois, for the purpose of conducting a public hearing on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

The following people offered testimony during the hearing:

- 1) Robert Wharton - President and CEO, CEDA, Inc.
- 2) Joel Africk -CEO, American Lung Association
- 3) Janet Williams - Chair, Illinois Coalition Against Tobacco
- 4) Brian J. Fojtik - Regional Manager, State Government Relations, UST Public Affairs, Inc.
- 5) Honorable Henderson Yarbrough, Sr. -Mayor, Village of Maywood
- 6) Dr. Stephanie A. Whyte - Mobile Clinic Physician, Mobile Care Foundation
- 7) Tio Hardiman - Director of Gang Mediation Services, Cease Fire
- 8) George Blakemore - Concerned Citizen
- 9) Rich Auer - Concerned Citizen
- 10) Bill McCloskey - Vice President, Texor Petroleum
- 11) Richard Banjer - Board Member, American Cancer Society
- 12) Nancy Foy Sliva - Victim Services Coordinator, Alliance Against Intoxicated Motorists
- 13) Helen Utomi, R.N. - John H. Stroger, Jr. Hospital of Cook County
- 14) Deborah Lowery, R.N. - John H. Stroger, Jr. Hospital of Cook County
- 15) Dr. Frank Lieggi - Executive Director, Way Back Inn/Grateful House

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Written testimony only

- 1) Pamela Rodriguez – Executive Vice President, TASC

Chairman Daley recessed the meeting to the hour of 10:00 A.M. on Thursday, January 19, 2006 in the County Building, Board Room, Room 569.

January 19, 2006

Pursuant to notice, your Committee on Finance of the Board of Commissioners of Cook County reconvened its recessed meeting of December 19, 2005, January 5, 2006, January 6, 2006, January 9, 2006, January 10, 2006, January 11, 2006 and January 12, 2006 on Thursday, January 19, 2006 at the hour of 10:00 A.M. in the County Building, 118 North Clark Street, Board Room, Room 569, Chicago, Illinois, for the purpose of conducting departmental reviews on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

The following department presented its budget during the hearing:

Bureau of Health Services

Chairman Daley recessed the meeting to the hour of 10:00 A.M. on Friday, January 20, 2006 in the County Building, Board Room, Room 569.

January 20, 2006

Pursuant to notice, your Committee on Finance of the Board of Commissioners of Cook County reconvened its recessed meeting of December 19, 2005, January 5, 2006, January 6, 2006, January 9, 2006, January 10, 2006, January 11, 2006, January 12, 2006 and January 19, 2006 on Friday, January 20, 2006 at the hour of 10:00 A.M. in the County Building, 118 North Clark Street, Board Room, Room 569, Chicago, Illinois, for the purpose of conducting departmental reviews on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

The following departments presented their budget during the hearing:

State's Attorney

Bureau of Human Resources

Chairman Daley recessed the meeting to the hour of 10:00 A.M. on Monday, January 23, 2006 in the County Building, Board Room, Room 569.

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January 23, 2006

Pursuant to notice, your Committee on Finance of the Board of Commissioners of Cook County reconvened its recessed meeting of December 19, 2005, January 5, 2006, January 6, 2006, January 9, 2006, January 10, 2006, January 11, 2006, January 12, 2006, January 19, 2006 and January 20, 2006 on Monday, January 23, 2006 at the hour of 10:00 A.M. in the County Building, 118 North Clark Street, Board Room, Room 569, Chicago, Illinois, for the purpose of conducting departmental reviews on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

The following departments presented their budget during the hearing:

Bureau of Administration
Board of Review
Chief Judge

Chairman Daley recessed the meeting to the hour of 10:00 A.M. on Tuesday, January 24, 2006 in the County Building, Board Room, Room 569.

January 24, 2006

Pursuant to notice, your Committee on Finance of the Board of Commissioners of Cook County reconvened its recessed meeting of December 19, 2005, January 5, 2006, January 6, 2006, January 9, 2006, January 10, 2006, January 11, 2006, January 12, 2006, January 19, 2006, January 20, 2006 and January 23, 2006 on Tuesday, January 24, 2006 at the hour of 10:00 A.M. in the County Building, 118 North Clark Street, Board Room, Room 569, Chicago, Illinois, for the purpose of conducting departmental reviews on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

The following departments presented their budget during the hearing:

Assessor
Bureau of Information Technology and Automation
Offices under the President
Cook County Board of Commissioners

Chairman Daley recessed the meeting to the hour of 10:00 A.M. on Tuesday, January 24, 2006 in the County Building, Board Room, Room 569.

January 25, 2006

Pursuant to notice, your Committee on Finance of the Board of Commissioners of Cook County reconvened its recessed meeting of December 19, 2005, January 5, 2006, January 6, 2006, January 9, 2006, January 10, 2006, January 11, 2006, January 12, 2006, January 19, 2006, January 20, 2006, January 23, 2006 and January 24, 2006 on Wednesday, January 25, 2006 at the hour of 10:00 A.M. in the County Building, 118 North Clark Street, Board Room, Room 569, Chicago, Illinois, for the purpose of conducting departmental reviews on the proposed 2006 Budget, including Corporate, Public Safety and Cook County Health Program Budgets, and proposed revenue ordinances.

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The following departments presented their budget during the hearing:

Board of Elections
County Clerk

Chairman Daley recessed the meeting to the Call of the Chair.

February 9, 2006

Pursuant to notice, your Committee on Finance of the Board of Commissioners of Cook County reconvened its recessed meeting of December 19, 2005, January 5, 2006, January 6, 2006, January 9, 2006, January 10, 2006, January 11, 2006, January 12, 2006, January 19, 2006, January 20, 2006, January 23, 2006, January 24, 2006 and January 25, 2006 on Thursday, February 9, 2006 at the hour of 10:00 A.M. in the County Building, 118 North Clark Street, Board Room, Room 569, Chicago, Illinois, , to consider the following:

Communication Number 275468, a Proposed Ordinance Amendment entitled the "Cook County Tobacco Tax Ordinance"; and

The proposed 2006 Corporate, Public Safety and Cook County Health Program Budgets, and any amendments thereto.

The Committee first considered Communication Number 275468, a Proposed Ordinance Amendment entitled the "Cook County Tobacco Tax Ordinance".

Commissioner Suffredin, seconded by Commissioner Butler, moved that the Ordinance (Communication No. 275468) be approved and adopted.

275468 AN ORDINANCE TO PROVIDE FOR A TAX ON TOBACCO (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by John H. Stroger, Jr., President, Cook County Board of Commissioners.

PROPOSED ORDINANCE AMENDMENT

**COUNTY OF COOK
AN ORDINANCE TO PROVIDE FOR A TAX ON
THE RETAIL SALE OF CIGARETTES TOBACCO
(AS AMENDED)**

WHEREAS, the County of Cook is a home rule unit of local government pursuant to Article VII, section 6(a) of the 1970 Illinois Constitution; and

WHEREAS, pursuant to its home rule powers, the Cook County Board of Commissioners adopted an Ordinance to provide for a tax on the retail sale of cigarettes "Retail Sale of Cigarettes Tax Ordinance") on June 1, 1980 and has adopted subsequent amendments; and

WHEREAS, the Cook County retail cigarettes tax has been at the same rate since 2004; and

WHEREAS, the Cook County Board of Commissioners wishes to raise the tax imposed upon the retail sale of cigarettes and to expand the Ordinance to include a tax on tobacco products within Cook County in order to discourage the use of tobacco by residents of Cook County and to decrease the illegal consumption of tobacco by juveniles; and

WHEREAS, Cook County expends significant resources in the treatment of tobacco related illnesses; and

WHEREAS, for the protection of the public health, safety, comfort and welfare and pursuant to its home rule authority, the Cook County Board of Commissioners chooses to amend the Retail Sale of Cigarettes Tax Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF COOK, ILLINOIS, AS FOLLOWS:

The Ordinances and Resolutions of Cook County, Chapter 13, entitled Fiscal Matters and Taxes, is hereby amended as follows:

Section 1. Short Title - Definitions

This Ordinance may be cited as the Cook County ~~Retail Sale of Cigarettes Tobacco~~ Tax Ordinance.

For the purpose of this Ordinance, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this Section.

"Chewing tobacco" means any leaf tobacco that is not intended to be smoked.

"Cigar" Any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco (other than any roll of tobacco which is a cigarette as defined in this Ordinance).

"Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether such tobacco is flavored, adulterated or mixed with any other ingredient, or not, and the wrapper of which is made of paper or any other substance or material except tobacco.

"Department" means the Department of Revenue within the Bureau of Finance of the County of Cook.

"Director" means the Director of the Department of Revenue.

"Manufacturer" means any person who makes or fabricates cigarettes, ~~or packs and/or tobacco products~~ and sells them in packages.

"Package" means the original packet, box, tin or container whatsoever used to contain and to convey cigarettes and/or tobacco products to the consumer.

"Person" means, any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees, or other representative, acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.

"Pipe Tobacco" includes any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

"Retail Tobacco Dealer" means any person who engages in the business of selling cigarettes and/or tobacco products in the County of Cook to a purchaser for use or consumption and not for re-sale in any form.

"Roll-your-own tobacco" includes any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

"Sale," "Re-Sale," "Selling" means any transfer of ownership or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a valuable consideration.

"Smokeless tobacco" includes any snuff, chewing tobacco, or other tobacco products not intended to be smoked.

"Snuff" means any finely cut, ground or powered tobacco that is not intended to be smoked.

"Stamp" means paper or other material with an imprint or decalcomania device thereon, of such size, design, color and denominations as may be prescribed and procured by the Department which, when affixed to a package of cigarettes, shall evidence payment of the tax thereon, as provided by this Ordinance.

"Tobacco Products" includes but is not limited to any cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff or snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweeping of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both chewing and smoking; but does not include cigarettes or tobacco purchased for the manufacture of cigarettes by cigarette wholesale tobacco dealers and manufacturers as defined in this Ordinance.

"Unit" means any division of quantity that may be used as a standard to measure the quantity sold based on length, width, weight such as pounds, ounces and/or grams or volume or some other similar unit of measure, including but not limited to per item.

"Use" means any exercise of a right or power, actual or constructive, and shall include but is not limited to the receipt, storage, or any keeping or retention for any length of time, but shall not include possession for sale by a retail or wholesale tobacco dealer as defined in this Ordinance.

"Wholesale Tobacco Dealer" means any person who engages in the business of selling or supplying cigarettes and/or tobacco products to any person for re-sale in the County of Cook. For the purposes of this Ordinance, wholesale tobacco dealers also include tobacco retailers who are licensed with the State of Illinois (35 ILCS 143/10-20).

Section 2. Cigarette Tax Imposed – Stamps - Tax Collection

(a) A tax at the rate of fifty one hundred (50 100 mils) or five ten cents (\$.05 \$.10) per cigarette is hereby imposed upon all cigarettes possessed for sale and upon the use of all cigarettes within the County of Cook, the ultimate incidence of and liability for payment of said tax to be borne by the consumer of said cigarettes. The tax imposed hereby at the rate of fifty one hundred (50 100 mils) or five ten cents (\$.05 \$.10) per cigarette shall become in force and effect on April 1, 2004 March 1, 2006. The tax herein levied shall be in addition to any and all other taxes.

(b) The tax herein levied imposed in this Section 2 shall be paid by purchase of tax stamps from the Department, except as otherwise provided in Sections 9 12 (a) and (b) of this Ordinance. It shall be the duty of every wholesale tobacco dealer, before delivering or causing to be delivered any cigarettes to a retail tobacco dealer in the County of Cook to purchase from the Department a tax stamp for each package of cigarettes and to cancel said stamps prior to the delivery of such cigarettes to any retail tobacco dealer in the County of Cook. Said stamps shall be affixed and cancelled in the manner prescribed by rules and regulations of the Department. Any stamp which is defective or unused may be returned to the Department by a wholesale tobacco dealer, who shall thereafter be credited or reimbursed with the amount paid to the Department for such stamps.

(c) Any wholesale tobacco dealer who shall pay the tax levied by this Ordinance to the Department shall collect the tax from any retail tobacco dealer to whom the sale of said cigarettes is made, and any retail tobacco dealer shall, in turn, then collect the tax from the purchaser of said cigarettes. The tax shall be paid to the person required to collect it as trustee for and on account of the County of Cook.

(d) It shall be unlawful for any retail tobacco dealer to purchase cigarettes from any person unless each package bears an unmutilated tax stamp affixed thereto and cancelled thereon in the manner required by this Ordinance and the rules and regulations of the Department. Possession by said a retail tobacco dealer of cigarettes having no stamp affixed and cancelled ~~(except cigarettes in the possession or control of a retail tobacco dealer at any time from June 1, 1980, through June 30, 1980, the tax on which has been paid to the County Collector, together with a sworn affidavit of the number of cigarettes in the retail tobacco dealer's possession or control at the start of business on June 1, 1980)~~ shall give rise to the prima facie presumption that such cigarettes are possessed by him in violation of the provisions of this Ordinance.

Section 3. Rule Making Tobacco Products Tax Imposed – Tax Collection

(a) A tax at the rates and units of measure stated below is hereby imposed on all tobacco products possessed for sale and upon the use of all tobacco products within the County of Cook, the ultimate incidence of and liability for payment of said tax to be borne by the consumer of said tobacco products. The tax imposed on tobacco products pursuant to the units of measure and tax rates stated below shall become in force and effect on June 1, 2006. The tax herein levied shall be in addition to any and all other taxes.

| <u>Tobacco Product</u> | <u>Tax Rate</u> |
|---|---|
| <u>Cigars</u> | <u>\$0.10 Per Cigar</u> |
| <u>All other Tobacco Products:</u> | |
| <u>(i) Smoking Tobacco (Pipe and Roll Your Own Tobacco)</u> | <u>\$0.50 Per Ounce or any fraction thereof</u> |
| <u>(ii) Smokeless Tobacco (Snuff, Chewing and all other smokeless tobacco products)</u> | <u>\$0.25 Per Ounce or any fraction thereof</u> |

(b) The tax imposed in this Section 3 shall be collected by each wholesale tobacco dealer who sells tobacco products to:

- (i) a retail tobacco dealer doing business in Cook County; or
- (ii) any person who purchases tobacco products directly from a wholesale tobacco dealer for sale or re-sale or delivery in Cook County; or
- (iii) another wholesale tobacco dealer doing business in Cook County that is not holding a valid registration certificate.

(c) If a retail tobacco dealer shall receive tobacco products upon which no tax has been collected by the wholesale tobacco dealer then the retail tobacco dealer shall collect such tax and remit it directly to the Department within thirty (30) days of the receipt of such tobacco products.

Section 4. Internet, Mail Order and Outside-of-County Purchases

With respect to cigarettes or tobacco products purchased over the internet, by mail order or outside the County, if the tax on cigarettes and tobacco products which is imposed pursuant to this Ordinance, as amended, has not been paid by a wholesaler or retailer prior to use or possession of the cigarette or tobacco product by a person within the County of Cook, such person shall be obligated to make payment of the tax directly to the Department. Within 30 days of purchase, such person shall file a return with the Department of Revenue and pay the tax due under this Ordinance, as amended.

Section 5. Failure To File A Return and/or Pay Tax

In case of failure to file a tax return and pay this tax when due the Department may assess penalties and interest as provided for in the Cook County Uniform Penalty, Interest and Procedures Ordinance.

Section 3 6. Rule Making

~~The Department shall make and publish in pamphlet form, for distribution to the public, rules and regulations appropriate to and in furtherance of the purposes of this Ordinance.~~

(a) The Department shall prescribe reasonable rules, definitions, and regulations necessary to carry out the duties imposed upon it by this Ordinance. Such rules, definitions, and regulations shall include, but not be limited to, reasonable procedures consistent with existing practices of wholesale tobacco and retail tobacco dealers for collection and remittance of the tax herein levied.

(b) The Department may appoint wholesale tobacco dealers and any other person within or without the County of Cook as agents for the tax herein levied. The Department is hereby authorized to grant a commission not exceeding one-half of one percent (0.5%) of the tax due to the County of Cook to such agent for services rendered in connection with the tax herein levied in Section 3, provided said tax is remitted, in full, by the due date.

(c) Within thirty (30) days after the effective date of this Ordinance every wholesale tobacco dealer doing business in the County of Cook shall file with the Department, on forms prescribed by it, a sworn inventory of cigarettes in their possession or control on March 1, 2006. With said inventory, the wholesale tobacco dealer shall pay to the Cook County Collector the taxes due, including any additional taxes due as a result of this Ordinance, as amended, with respect to all stamped cigarettes which were in such wholesale tobacco dealer's possession on March 1, 2006.

(d) Within thirty (30) days after the effective date of this Ordinance every retail tobacco dealer doing business in the County of Cook shall file with the Department, on forms prescribed by it, a sworn inventory of cigarettes in their possession or control on March 1, 2006. With said inventory, the retail tobacco dealer shall pay to the Cook County Collector the taxes due, including any additional taxes due as a result of this Ordinance, as amended, with respect to all cigarettes which were in such retail tobacco dealer's possession on March 1, 2006.

(e) Within thirty (30) days after the effective date of this Ordinance every retail tobacco dealer doing business in the County of Cook shall file with the Department, on forms prescribed by it, a sworn inventory of tobacco products in their possession or control on June 1, 2006. With said inventory, the retail tobacco dealer shall pay to the Cook County Collector the taxes due, including any additional taxes due as a result of this Ordinance, as amended, with respect to all tobacco products which were in such retail tobacco dealer's possession on June 1, 2006.

Section 4 7. Cigarette Tax Stamps - Agents - Used and Unused Stamps

(a) The Department shall contract for and furnish tax stamps of such denominations and quantities as may be necessary for the payment of the tax imposed on cigarettes by this Ordinance, and may, from time to time, provide for the issuance and exclusive use of stamps of a new design and forbid the use of stamps of any other design.

(b) The Department may appoint wholesale tobacco dealers of cigarettes and any other person within or without the County as agents to affix stamps to be used in paying the tax hereby imposed on cigarettes and said agent is hereby authorized to appoint other persons in his employ who are to affix said stamps to any cigarettes under his control in the manner prescribed by the rules and regulations promulgated by the Department. Whenever the Department shall sell, consign or deliver to any such agent any such stamps, such agent shall be entitled to receive compensation for his services and expenses in affixing such stamps, and to retain use of the monies to be paid by him for such stamps as a commission. The Department is hereby authorized to prescribe a schedule of commissions not exceeding five percent allowable to such agent for affixing such stamps. Such schedule shall be uniform for each type and denomination of stamp used and may be on a graduated scale with respect to the number of stamps purchased. The Department may, in its discretion, permit an agent to pay for such stamps within thirty (30) days after the date of sale, consignment, or delivery of such stamps to such agent, provided a bond or bank letter of credit satisfactory to the Department and approved as to form and legality by the State's Attorney shall be submitted by said agent to the Department, in an amount equal to the value of such stamps. The Department, with approval from the State's Attorney, shall issue regulations pursuant to Section 3 6 regarding the use of such bonds or bank letters of credit.

(c) The Department may redeem unused tax stamps lawfully on the possession of any person. No person shall sell or offer for sale any stamp issued under this Ordinance, except by written permission of the Department. The Department may prescribe rules and regulations concerning refunds, sales of stamps and redemption under the provisions of this ordinance.

Section 5 8. ~~(repealed)~~ Registration of Wholesale Tobacco Dealers

~~Within ten days after the effective date of this Ordinance every retail tobacco dealer doing business in the County of Cook shall file with the Bureau of Administration, on forms prescribed by the Bureau, a sworn inventory of all packages of cigarettes in his possession or control (at the start of business on June 1, 1980). With said inventory, the retail tobacco dealer shall pay to the County Treasurer the taxes for all packages of cigarettes which do not bear a stamp or for which a tax has not been paid as required by this Ordinance.~~

A person commencing business as a wholesale tobacco dealer within Cook County after the adoption of this Ordinance, as amended shall register with the Department within twenty (20) days after the effective date of this Ordinance or commencement of business. On or before the last day of each month, every wholesale tobacco dealer of tobacco products other than cigarettes shall file with the Department of Revenue a remittance return and remit all tax due for the preceding calendar month. The return shall be postmarked on or before the last day of the month for which the return is due. Each return shall be used to report the sales of tobacco products and shall be accompanied by

a remittance of the appropriate amount of tax applicable to the sales reported. The remittance shall be made payable to the Cook County Collector.

Section 6 9. (repealed) Tax Free Sales

~~The Bureau of Administration or any person certified by the Bureau as a deputy or representative may enter the premises during normal business hours of any wholesale or retail tobacco dealer for inspection and examination of property, inventory, books and records for the proper administration of this Ordinance and enforcement of the collection of the tax imposed. It is unlawful for any person to prevent, hinder or interfere with the Bureau of Administration or its duly authorized deputy or representative in the discharge of his duties in the enforcement of this Ordinance.~~

Wholesale tobacco dealers doing business in Cook County shall not pay or collect a tax with respect to cigarettes and/or tobacco products which are otherwise subject to the tax when the cigarettes and/or tobacco products are being sold to the following:

- (a) Another wholesale tobacco dealer holding a valid Cook County tobacco wholesalers registration certificate; and
- (b) A wholesale tobacco dealer or a retail tobacco dealer in the event, the selling wholesale tobacco dealer, or its agent, delivers the cigarettes or other tobacco products to a location outside of Cook County.

Section 7 10. Record of Deliveries Quarterly Return Books and Records to be Kept

(a) “Records of Deliveries” At the time of delivering cigarettes to any person doing business in the County of Cook, it shall be the duty of every wholesale tobacco dealer to make a true triplicate invoice, numbered serially, showing the date of delivery, the number of packages, the number of cigarettes contained therein in each shipment of cigarettes delivered, and the name of the purchaser to whom delivery is made and shall retain one legible copy of the same for a period of three years subject to the use and inspection of the Department for the period of time as provided for in the Cook County Uniform Penalty, Interest and Procedure Ordinance.

(b) “Quarterly Returns” A sworn quarterly cigarette tax return shall be filed by said wholesale tobacco dealer with the Department, on forms prescribed by the Department. The dates upon which said quarterly returns are to be filed shall be provided by rules and regulations promulgated by the Department.

(c) “Other Books and Records” It shall be the duty of all Wholesale Tobacco Dealers, Retail Dealers and Persons required by this Ordinance to collect and/or to pay the taxes herein imposed to keep and maintain all books, papers and records related to all transactions taxable under this Ordinance and to make such records available to the Director on request for inspection, audit and/or copying during regular business hours. Books, papers and records which relate to a return filed or required to be filed with the Department shall be kept for the period as provided for in the Cook County Uniform Penalty, Interest and Procedures Ordinance. The burden shall be on the tax collector and tax payer to keep records which verify the basis for any and all transactions which are claimed to be exempt from taxation pursuant to Section 9 of this Ordinance.

Section **8 11.** Counterfeit or Altered Tax Stamps

Every person who shall falsely make, alter, forge or counterfeit any tax stamp, or who, with intent to defraud the County, shall affix or cause to be affixed any counterfeit or altered stamp to any package of cigarettes, knowing said stamp to be counterfeit or altered, shall be charged with forgery under the Illinois Criminal Code and shall be subject to prosecution for such a crime guilty of a class B misdemeanor, in addition to any other criminal penalties which may be applicable under Illinois or federal law.

Section **9 12.** Single State and County Stamp - Monthly Tax Return

(a) Notwithstanding the provisions of Section 2(b) and (d), and **4 7(a)** of this Ordinance, the Department may provide by regulation that the tax imposed by this Ordinance shall, in the alternative, be collected by means of the issuance and sale of a single tax stamp to be prepared jointly with the Department of Revenue of the State of Illinois (and/or the City Comptroller of the City of Chicago) evidencing the payment of the tax imposed by this Ordinance. Toward that end, the Department may make such arrangements and agreements with the Department of Revenue of the State of Illinois (and/or the City Comptroller of the City of Chicago) as may be required with respect to the method of acquiring, affixing, canceling and the manner of sharing the cost of such joint single tax stamps, and may establish procedures for payment of that portion of the tax revenue collected by the Department of Revenue of the State of Illinois (and/or the City Comptroller of the City of Chicago) due and payable to the County of Cook, in furtherance of the purposes of this Ordinance. In the event such alternative method as herein provided is utilized, no other method of collecting said tax may be used within the relevant jurisdiction; however, all other applicable provisions of this Ordinance shall nevertheless remain in full force and effect.

(b) Notwithstanding the provisions of 2(b) and (d), **4 7(a)** and subsection (a) of this Section 12, the Department may provide by regulation that the tax imposed on cigarettes by this Ordinance, in the alternative, shall be collected by means of the filing of a sworn tax return to be prepared and filed by every wholesale tobacco dealer who sells cigarettes for consumption in the County of Cook. Said return shall be filed on a monthly basis and shall contain the same information required by 7(b) of this Ordinance. Said return shall be filed with the Department on or before the fifteenth day of each month stating such other and further information as may be required by the Department, and said return shall be accompanied by a certified check in the amount of the tax due and payable upon such taxable sales made by said wholesale tobacco dealer in the County of Cook during the preceding month. In the event such alternative method is utilized, no other method of collecting said tax may be used; however, all other applicable provisions of this Ordinance shall remain in full force and effect with the exception of the necessity of filing a quarterly tax return as provided in **7 10(b)** of this Ordinance, which shall not be required.

Section **10 13.** Mutilation of Tax Stamps

It is unlawful for any person to mutilate a tax stamp herein required on any package of cigarettes before it is sold by a retail tobacco dealer.

Section 12 14. Seizure, Sale and Redemption of Unstamped Cigarettes

Whenever the Department or any of its duly authorized representatives shall discover any cigarettes subject to any tax provided by this Ordinance upon which said tax has not been paid or the stamps affixed and cancelled as herein required, they are hereby authorized and empowered forthwith to seize and take possession of such cigarettes together with any vending machine or receptacle in which they are held for sale which, except for money contained in such vending machine or receptacle, shall thereupon be deemed to be forfeited to the County of Cook. The Department may, within a reasonable time, thereafter, by a public notice given at least five days before the date of the sale, sell such forfeited cigarettes and vending machines or receptacles at public sale and pay the proceeds to the Treasurer of the County of Cook. In the alternative, the Department, shall either destroy or on reasonable notice, may permit the person from whom said cigarettes were seized, to redeem the same and any vending machine or receptacle seized therewith, by the payment of the tax due together with a penalty of fifty percent (50%), thereof, and the cost incurred in such proceeding, provided, however, that such seizure and sale or redemption shall not be deemed to relieve any person from fine or imprisonment provided herein for violation of any provision of this Ordinance.

Section 15. Transmittal of Excess Tax Collections

In the event a person collects an amount in excess of the tax imposed by this Ordinance, as amended, which amount is purported to be a collection thereof, and said person fails to return the said excess amount to the purchaser who paid the tax, the said person who collected the tax shall account for and pay over all such excess amounts to the Department along with the tax properly collected.

Section 13 16. Deposit of Tax Proceeds

All proceeds resulting from the imposition of the tax under this Ordinance, including penalties, shall be paid to the Department Treasurer of the County of Cook.

Section 14 17. Penalties

Any person found determined to have violated guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this Ordinance, as amended, upon conviction thereof, shall be subject to punished by a fine of three five hundred dollars (\$3500.00) for the first offense, and a fine of five hundred one thousand dollars (\$51,000.00) for the second and each subsequent offense in any 180-day period; provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Civil Practice Act (Ill. Rev. Stat. 1969, Ch. 110, Par. 1, et seq.). Repeated offenses in excess of Any person determined to have violated this Ordinance, as amended, on three or more occasions within any 180-day period may also shall be punishable as subject to prosecution for a Class B misdemeanor. by incarceration in the Cook County Department of Corrections for a term not to exceed six months, under the provisions of the Illinois Code of Criminal Procedure (Ill. Rev. Stat. 1969, Ch. 38, Pars. 100-1, et seq.) in a separate proceeding. Criminal prosecutions pursuant to this Ordinance, as amended, shall in no way preclude the County from instituting civil proceedings to recover delinquent taxes, interest and penalties due and owing, as well as costs incurred for such proceeding. A

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separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification thereof.

Section 15 18. Severability

~~If any provision of this Ordinance, of the application thereof to any person or circumstances, is held invalid, the remainder of this Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.~~

If any provision of this Ordinance or application thereof to any person or circumstance is held unlawful or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid application or provision, and to this end each such invalid provision or application of this Ordinance is severable from the remainder of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been issued had any such unlawful or otherwise invalid provision or application not been included.

Section 16 19. Effective Date

This Ordinance, as amended, shall take effect and be in force on April 1, 2004 March 1, 2006.

Commissioner Suffredin introduced Amendment #1 to Communication No. 275468, as follows:

AMENDMENT #1 TO COMMUNICATION NO. 275468

Sponsor: Commissioner Suffredin

That the Section entitled, "Deposit of Tax Proceeds" be amended to read as follows:

"All proceeds resulting from the imposition of the tax under this Ordinance, including penalties, shall be paid to the Department. The Department shall direct every dollar collected from the 2006 increase in the rate of the Home Rule Tobacco Tax to be deposited into the funds of the Cook County Bureau of Health."

Commissioner Suffredin, seconded by Commissioner Butler, moved approval of Amendment #1 to Communication No. 275468. The motion carried. Commissioner Peraica voted no.

Commissioner Suffredin introduced Amendment #2 to Communication No. 275468, as follows:

AMENDMENT #2 TO COMMUNICATION NO. 275468

Sponsor: Commissioner Suffredin

That Section 3, "Tobacco Products Tax Imposed – Tax Collection" be deleted in its entirety and that subsequent sections be renumbered as appropriate.

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Commissioner Suffredin, seconded by Commissioner Goslin, moved approval of Amendment #2 to Communication No. 275468. Commissioner Peraica called for a Roll Call, the vote of yeas and nays being as follows:

ROLL CALL ON MOTION TO APPROVE

Yea: Commissioners Claypool, Collins, Gorman, Goslin, Hansen, Moreno, Murphy, Peraica, Quigley, Silvestri, Sims, Vice Chairman Steele, Suffredin and President Stroger (14)

Nay: Commissioners Butler, Maldonado and Chairman Daley (3)

The motion carried and Amendment #2 to Communication No. 275468 was APPROVED.

On the main motion to approve and adopt the Ordinance (Communication No. 275468) as amended, Commissioner Peraica called for a Roll Call, the vote of yeas and nays being as follows:

ROLL CALL ON MOTION TO APPROVE AS AMENDED

Yea: Commissioners Butler, Collins, Maldonado, Moreno, Murphy, Sims, Vice Chairman Steele, Suffredin, President Stroger and Chairman Daley (10)

Nay: Commissioners Claypool, Gorman, Goslin, Hansen, Peraica, Quigley and Silvestri (7)

The motion carried and the Ordinance (Communication No. 275468) was approved and adopted, as amended.

Commissioner Suffredin, seconded by President Stroger, moved to reconsider the vote by which the Ordinance as amended, was approved. A Roll Call was taken, the vote of yeas and nays being as follows:

ROLL CALL ON MOTION TO RECONSIDER

Yea: Commissioners Claypool, Gorman, Goslin, Hansen, Peraica, Quigley and Silvestri (7)

Nay: Commissioners Butler, Collins, Maldonado, Moreno, Murphy, Sims, Vice Chairman Steele, Suffredin, President Stroger and Chairman Daley (10)

The motion to reconsider failed and the Ordinance (Communication No. 275468) was APPROVED AND ADOPTED, AS AMENDED.

Your Committee commenced consideration of the amendments.

The detail for these matters is incorporated herein by reference, and attached hereto as Attachment A.

AMENDMENT #1

Sponsors: Commissioners Hansen, Steele, Suffredin, Butler, Gorman, Goslin, Maldonado, Murphy, Peraica, Silvestri and Sims

Budgetary Unit: Revised Revenue Estimates

Leave was granted to add Commissioners Gorman, Goslin, Maldonado, Murphy, Peraica, Silvestri and Sims as Sponsors.

Commissioner Hansen, seconded by Commissioner Sims, moved to amend the Cost of Amendment to include the words “increase in revenue” after the \$8 million figure. The motion to amend carried.

Commissioner Hansen, seconded by Commissioner Silvestri, moved approval of Amendment #1, as amended. Commissioner Hansen called for a Roll Call, the vote of yeas and nays being as follows:

ROLL CALL ON MOTION TO APPROVE AS AMENDED

Yea: Commissioners Butler, Collins, Gorman, Goslin, Hansen, Maldonado, Moreno, Murphy, Peraica, Silvestri, Sims, Vice Chairman Steele, Suffredin, President Stroger and Chairman Daley (15)

Nay: Commissioners Claypool and Quigley (2)

The motion carried and Amendment #1 was APPROVED AS AMENDED.

AMENDMENT #2

Sponsors: Commissioners Hansen, Steele, Suffredin, Butler, Daley, Gorman, Goslin, Maldonado, Moreno, Murphy, Peraica and Silvestri

Budgetary Unit: 239 – Department of Corrections

Leave was granted to add Commissioners Daley, Gorman, Goslin, Maldonado, Moreno, Murphy, Peraica and Silvestri as Sponsors.

Commissioner Hansen, seconded by Commissioner Butler, moved approval of Amendment #2. Commissioner Hansen called for a Roll Call, the vote of yeas and nays being as follows:

ROLL CALL ON MOTION TO APPROVE

Yea: Commissioners Butler, Claypool, Collins, Gorman, Goslin, Hansen, Maldonado, Moreno, Murphy, Peraica, Quigley, Silvestri, Sims, Vice Chairman Steele, Suffredin, President Stroger and Chairman Daley (17)

Nay: None (0)

The motion carried and Amendment #2 was APPROVED.

AMENDMENT #3

Sponsors: Commissioners Hansen, Suffredin, Gorman, Goslin, Moreno, Murphy, Peraica and Silvestri

Budgetary Unit: 895 – Department of Public Health

Leave was granted to add Commissioners Gorman, Goslin, Moreno, Murphy, Peraica and Silvestri as Sponsors.

Commissioner Hansen, seconded by Commissioner Suffredin, moved approval of Amendment #3.

Commissioner Suffredin, seconded by Commissioner Murphy, moved to amend the Cost of Amendment by \$37,209 to reflect \$237,209 instead of \$200,000; and to increase Account 895-298 from \$2,700,000 to \$2,737,209. On a voice-vote, the motion to amend carried.

Commissioner Hansen, seconded by Commissioner Suffredin, moved approval of Amendment #3, as amended. On a voice-vote, the motion carried and Amendment #3 was APPROVED AS AMENDED.

AMENDMENT #4

Sponsors: Commissioners Suffredin and Butler

Budgetary Units: Sheriff (210, 211, 212, 215, 230, 231, 235, 236, 238, 239 and 249)

Commissioner Suffredin, seconded by Commissioner Silvestri, moved approval of Amendment #4. On a voice-vote, the motion carried and Amendment #4 was APPROVED.

AMENDMENT #5

Sponsor: President Stroger

Budgetary Unit: 250 – State's Attorney

Commissioner Butler, seconded by Commissioner Murphy, moved approval of Amendment #5. On a voice-vote, the motion carried and Amendment #5 was APPROVED.

AMENDMENT #6

Sponsors: Commissioners Suffredin and Butler

Budgetary Units: Various Departments with the exception of the Board of Commissioners, Bureau of Health Services, and the Sheriff's Office

Commissioner Suffredin, seconded by Commissioner Butler, moved approval of Amendment #6. On a voice-vote, the motion carried and Amendment #6 was APPROVED.

AMENDMENT #7

Sponsors: Commissioners Suffredin, Butler, Claypool, Collins, Daley, Gorman, Goslin, Hansen, Maldonado, Moreno, Murphy, Peraica, Quigley, Silvestri, Sims, Steele and President Stroger

Budgetary Unit: 250 – State's Attorney

Leave was granted to add Commissioners Claypool, Collins, Daley, Gorman, Goslin, Hansen, Maldonado, Moreno, Murphy, Peraica, Quigley, Silvestri, Sims, Steele and President Stroger as Sponsors.

Commissioner Suffredin, seconded by Commissioner Butler, moved approval of Amendment #7. On a voice-vote, the motion carried and Amendment #7 was APPROVED.

AMENDMENT #8

Sponsors: Commissioners Moreno and Butler

Budgetary Unit: 040 – County Assessor

Commissioner Moreno, seconded by Commissioner Murphy, moved approval of Amendment #8. On a voice-vote, the motion carried and Amendment #8 was APPROVED.

AMENDMENT #9

Sponsors: Commissioners Maldonado, Steele, Gorman, Murphy, Silvestri and Sims

Budgetary Unit: 007 – Department of Revenue

Leave was granted to add Commissioners Gorman, Murphy, Silvestri and Sims as Sponsors.

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Commissioner Maldonado, seconded by Vice Chairman Steele, moved approval of Amendment #9. On a voice-vote, the motion carried and Amendment #9 was APPROVED.

AMENDMENT #10

Sponsors: Commissioners Silvestri, Butler, Claypool, Collins, Daley, Gorman, Goslin, Hansen, Maldonado, Moreno, Murphy, Peraica, Quigley, Sims, Steele, Suffredin and President Stroger

Budgetary Units: Chief Judge (280, 300, 305, 310, 312, 326, 532 and 541)

Leave was granted to add Commissioners Claypool, Collins, Daley, Gorman, Goslin, Hansen, Maldonado, Moreno, Murphy, Peraica, Quigley, Sims, Steele, Suffredin and President Stroger as Sponsors.

Commissioner Silvestri, seconded by Vice Chairman Steele, moved approval of Amendment #10. On a voice-vote, the motion carried and Amendment #10 was APPROVED.

AMENDMENT #11

Sponsors: Commissioners Steele, Butler, Claypool, Collins, Daley, Gorman, Goslin, Hansen, Maldonado, Moreno, Murphy, Peraica, Quigley, Silvestri, Sims, Suffredin and President Stroger

Budgetary Units: Clerk of the Circuit Court (335, 343, 344, 348, 360 and 372)

Leave was granted to add Commissioners Claypool, Collins, Daley, Gorman, Goslin, Hansen, Maldonado, Moreno, Murphy, Peraica, Quigley, Silvestri, Sims, Suffredin and President Stroger as Sponsors.

Vice Chairman Steele, seconded by Commissioner Murphy, moved approval of Amendment #11. On a voice-vote, the motion carried and Amendment #11 was APPROVED.

AMENDMENT #12

Sponsors: Commissioners Claypool, Quigley, Suffredin, Butler, Collins, Daley, Gorman, Goslin, Hansen, Maldonado, Moreno, Murphy, Peraica, Silvestri, Sims, Steele and President Stroger

Budgetary Units: Chief Judge (280, 300, 305, 310, 312, 326, 532 and 541)

Leave was granted to add Commissioners Butler, Collins, Daley, Gorman, Goslin, Hansen, Maldonado, Moreno, Murphy, Peraica, Silvestri, Sims, Steele and President Stroger as Sponsors.

Commissioner Claypool, seconded by Commissioner Quigley, moved approval of Amendment #12.

Commissioner Collins, seconded by Commissioner Claypool, moved to amend the Budgetary Unit by replacing "Bureau of Health Services" with "Capital Improvement Program"; and deleting the reference to Account 120, Overtime Compensation and the dollar amounts associated, i.e. \$21,875,211 and \$21,541,878; and adding "Volume II, Tab Y, Page 8, Bond Number 20000 – County Physical Plant, and the dollar amounts in the "From" column to reflect \$94,915,000, and the "To" column, \$95,248,333. On a voice-vote, the motion to amend carried.

Commissioner Claypool, seconded by Commissioner Quigley, moved approval of Amendment #12, as amended. On a voice-vote, the motion carried and Amendment #12 was APPROVED AS AMENDED.

SUBSTITUTE AMENDMENT #13

Sponsor: Commissioner Claypool

Budgetary Units: Bureau of Administration

Commissioner Claypool, seconded by Commissioner Quigley, moved to accept the substitute for Amendment #13. The motion to accept the substitute carried. President Stroger and Commissioner Butler voted no on the motion to substitute.

Commissioner Claypool, seconded by Commissioner Quigley, moved approval of Substitute Amendment #13. A Roll Call was taken, the vote of yeas and nays being as follows:

ROLL CALL ON MOTION TO APPROVE

Yea: Commissioners Claypool, Hansen, Peraica, Quigley and Suffredin (5)

Nay: Commissioners Butler, Collins, Gorman, Goslin, Maldonado, Moreno, Murphy, Silvestri, Sims, Vice Chairman Steele, President Stroger and Chairman Daley (12)

The motion failed and Substitute Amendment #13 was NOT APPROVED.

AMENDMENT #14

Sponsor: Commissioner Claypool

Budgetary Units: 002 – Department of Human Rights, Ethics and Women's Issues, 010 – Office of the President, 018 – Board of Commissioners, 259 – Medical Examiner's Office, 326, Juvenile Probation and Court Services Department, 440 – Juvenile Temporary Detention Center, and 500 – Highway Department

Amendment #14 was WITHDRAWN by the Sponsor.

AMENDMENT #15

Sponsor: Commissioner Claypool

Budgetary Unit: Lead Poisoning Prevention Trust Fund

Commissioner Claypool, seconded by Commissioner Quigley, moved approval of Amendment #15. Commissioner Claypool called for a Roll Call, the vote of yeas and nays being as follows:

ROLL CALL ON MOTION TO APPROVE

Yea: Commissioners Claypool, Quigley and Suffredin (3)

Nay: Commissioners Butler, Collins, Gorman, Goslin, Hansen, Maldonado, Moreno, Murphy, Peraica, Silvestri, Sims, Vice Chairman Steele, President Stroger and Chairman Daley (14)

The motion failed and Amendment #15 was NOT APPROVED.

AMENDMENT #16

Sponsor: Commissioner Suffredin

Budgetary Unit: Revised Revenue Estimates

Commissioner Suffredin, seconded by Commissioner Silvestri, moved approval of Amendment #16. On a voice-vote, the motion carried and Amendment #16 was APPROVED. Commissioner Maldonado voted no.

AMENDMENT #17

Sponsor: Commissioner Suffredin

Budgetary Units: Various Departments with the exception of the Board of Commissioners, Bureau of Health Services and the Sheriff's Office

Commissioner Suffredin, seconded by Commissioner Silvestri, moved approval of Amendment #17. On a voice-vote, the motion carried and Amendment #17 was APPROVED. Commissioner Maldonado voted no.

AMENDMENT #18

Sponsor: Commissioner Suffredin

Budgetary Unit: Health Fund

Amendment #18 was WITHDRAWN by the Sponsor.

SUBSTITUTE AMENDMENT #19

Sponsors: Commissioners Claypool, Quigley and Suffredin

Budgetary Units: Bureau of Health Services

Commissioner Claypool, seconded by Commissioner Suffredin, moved to accept the substitute for Amendment #19. The motion to accept the substitute carried.

Commissioner Claypool, seconded by Commissioner Suffredin, moved approval of Substitute Amendment #19. Commissioner Peraica called for a Roll Call, the vote of yeas and nays being as follows:

ROLL CALL ON MOTION TO APPROVE

Yea: Commissioners Claypool, Gorman, Peraica, Quigley, Silvestri and Suffredin (6)

Nay: Commissioners Butler, Collins, Goslin, Hansen, Maldonado, Moreno, Murphy, Sims, Vice Chairman Steele, President Stroger and Chairman Daley (11)

The motion failed and Substitute Amendment #19 was NOT APPROVED.

FLOOR AMENDMENT #20

Sponsor: Commissioner Peraica

Budgetary Unit: 240 – Cermak Health Services of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #20. On a voice-vote, the motion failed and Floor Amendment #20 was NOT APPROVED.

FLOOR AMENDMENT #21

Sponsor: Commissioner Peraica

Budgetary Unit: 240 – Cermak Health Services of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #21. On a voice-vote, the motion failed and Floor Amendment #21 was NOT APPROVED.

FLOOR AMENDMENT #22

Sponsor: Commissioner Peraica

Budgetary Unit: 240 – Cermak Health Services of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #22. On a voice-vote, the motion failed and Floor Amendment #22 was NOT APPROVED.

FLOOR AMENDMENT #23

Sponsor: Commissioner Peraica

Budgetary Unit: 890 – Bureau of Health

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #23. On a voice-vote, the motion failed and Floor Amendment #23 was NOT APPROVED.

FLOOR AMENDMENT #24

Sponsor: Commissioner Peraica

Budgetary Unit: 891 – Provident Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #24. On a voice-vote, the motion failed and Floor Amendment #24 was NOT APPROVED.

FLOOR AMENDMENT #25

Sponsor: Commissioner Peraica

Budgetary Unit: 891 – Provident Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #25. On a voice-vote, the motion failed and Floor Amendment #25 was NOT APPROVED.

FLOOR AMENDMENT #26

Sponsor: Commissioner Peraica

Budgetary Unit: 891 – Provident Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #26. On a voice-vote, the motion failed and Floor Amendment #26 was NOT APPROVED.

FLOOR AMENDMENT #27

Sponsor: Commissioner Peraica

Budgetary Unit: 891 – Provident Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #27. On a voice-vote, the motion failed and Floor Amendment #27 was NOT APPROVED.

FLOOR AMENDMENT #28

Sponsor: Commissioner Peraica

Budgetary Unit: 891 – Provident Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #28. On a voice-vote, the motion failed and Floor Amendment #28 was NOT APPROVED.

FLOOR AMENDMENT #29

Sponsor: Commissioner Peraica

Budgetary Unit: 897 – Stroger Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #29. On a voice-vote, the motion failed and Floor Amendment #29 was NOT APPROVED.

FLOOR AMENDMENT #30

Sponsor: Commissioner Peraica

Budgetary Unit: 897 – Stroger Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #30. On a voice-vote, the motion failed and Floor Amendment #30 was NOT APPROVED.

FLOOR AMENDMENT #31

Sponsor: Commissioner Peraica

Budgetary Unit: 897 – Stroger Hospital of Cook County

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Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #31. On a voice-vote, the motion failed and Floor Amendment #31 was NOT APPROVED.

FLOOR AMENDMENT #32

Sponsor: Commissioner Peraica

Budgetary Unit: 897 – Stroger Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #32. On a voice-vote, the motion failed and Floor Amendment #32 was NOT APPROVED.

FLOOR AMENDMENT #33

Sponsor: Commissioner Peraica

Budgetary Unit: 897 – Stroger Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #33. On a voice-vote, the motion failed and Floor Amendment #33 was NOT APPROVED.

FLOOR AMENDMENT #34

Sponsor: Commissioner Peraica

Budgetary Unit: 897 – Stroger Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #34. On a voice-vote, the motion failed and Floor Amendment #34 was NOT APPROVED.

FLOOR AMENDMENT #35

Sponsor: Commissioner Peraica

Budgetary Unit: 897 – Stroger Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #35. On a voice-vote, the motion failed and Floor Amendment #35 was NOT APPROVED.

FLOOR AMENDMENT #36

Sponsor: Commissioner Peraica

Budgetary Unit: 898 – Oak Forest Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #36. On a voice-vote, the motion failed and Floor Amendment #36 was NOT APPROVED.

FLOOR AMENDMENT #37

Sponsor: Commissioner Peraica

Budgetary Unit: 898 – Oak Forest Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #37. On a voice-vote, the motion failed and Floor Amendment #37 was NOT APPROVED.

FLOOR AMENDMENT #38

Sponsor: Commissioner Peraica

Budgetary Unit: 898 – Oak Forest Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #38. On a voice-vote, the motion failed and Floor Amendment #38 was NOT APPROVED.

FLOOR AMENDMENT #39

Sponsor: Commissioner Peraica

Budgetary Unit: 898 – Oak Forest Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #39. On a voice-vote, the motion failed and Floor Amendment #39 was NOT APPROVED.

FLOOR AMENDMENT #40

Sponsor: Commissioner Peraica

Budgetary Unit: 898 – Oak Forest Hospital of Cook County

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Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #40. On a voice-vote, the motion failed and Floor Amendment #40 was NOT APPROVED.

FLOOR AMENDMENT #41

Sponsor: Commissioner Peraica

Budgetary Unit: 898 – Oak Forest Hospital of Cook County

Commissioner Peraica, seconded by Commissioner Suffredin, moved approval of Floor Amendment #41. On a voice-vote, the motion failed and Floor Amendment #41 was NOT APPROVED.

Vice Chairman Steele, seconded by Commissioner Murphy, moved that the Finance Committee recommend to the Board of Commissioners the adoption of the Fiscal Year 2006 Annual Appropriation Ordinance, as amended. The motion carried unanimously.

Commissioner Maldonado, seconded by Commissioner Sims, moved to adjourn. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,
Committee on Finance



John P. Daley, Chairman

Attest:



Michelle Harris, Secretary

Transcripts for the meetings referenced in this report are available in the Office of the Secretary to the Board, 118 N. Clark Street, Room 567, Chicago, IL 60602.